

EDWIN I. KNOWLES,)
)
Plaintiff,)
)
v.) Case No. 1:17-cv-839-ALB
)
INZI CONTROLS ALABAMA, INC.,)
)
Defendant.)

This matter comes before the court on Plaintiff Edwin I. Knowles's Objections to Portions of Defendant's Evidentiary Submissions and Motion to Strike. (Doc. 33). Upon consideration, the motion is DENIED.

The Federal Rules of Civil Procedure state that motions to strike are proper only to attack a pleading. Fed. R. Civ. P. 12(f); *see also* 2 Moore’s Federal Practice – Civil § 12.37 (2019) (“Only material included in a “pleading” may be the subject of a motion to strike, and courts have been unwilling to construe the term broadly Motions, briefs or memoranda, objections, or affidavits may not be attacked by the motion to strike.”). Accordingly, the court will treat motions purporting to strike evidence as notices of objection. *Reeves-Howard v. S. Union State Cmty. Coll.*, Civil Action No. 3:07cv967-MHT, 2009 WL 1442059, *1 (M.D. Ala. 2009).

The Court will address Knowles’s objections as part of its order on summary judgment and will consider “[o]nly evidence that is admissible on its face or that can be reduced to admissible form and that complies with Federal Rule of Civil Procedure 56(e)” *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323–24 (1986); *see also Macuba v. DeBoer*, 193 F.3d 1316, 1322–24 (11th Cir. 1999). “The court is capable of sifting evidence, as required by the summary-judgment standard, without resort to an exclusionary process, and the court will not allow the summary-judgment stage to degenerate into a battle of motions to strike.” *Luster v. Ledbetter*, Civil Action No. 2:08cv551-MHT, 2009 WL 2448498, at *1 (M.D. Ala. 2009).

DONE and **ORDERED** this 16th day of August 2019.

/s/ Andrew L. Brasher
ANDREW L. BRASHER
UNITED STATES DISTRICT JUDGE